

BID OPENING

CITY OF SAN JOSE

OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk

FEB 25 P 2:29

City Clerk
Time Stamp

TOTAL BASE BID 922,000

ALT NO. 1 99,500

ALT NO. 2 28,000

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, February 25, 2010

Project Manager: Mike Pruitt ~ 535.8439

NISICH PARK PROJECT

BIDDER NAME: STAR CONSTRUCTION, INC.

Bond ☒ Cashier's Check _____

Addendums Included ()

YES ☐ NO ☒

Non-Collusion Affidavit

YES ☒ NO ☐

NISICH PARK

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, February 25, 2010.

ler: Star Construction, Inc.

PROPOSAL TO CITY OF SAN JOSE

FOR NISICH PARK

ne of Bidder:

representations herein are made under penalty of perjury.

The City of San Jose, State of California

I, undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on _____, entitled NISICH PARK and the Specifications approved by the Director of Public Works on _____, entitled NISICH PARK on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will enter into a contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on next page(s).

The bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

Page 1

**SCHEDULE OF QUANTITIES
FOR
NISICH PARK**

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	013000	MOBILIZATION	
2.	015000	EROSION CONTROL	\$ 12,000 (Fixed Lump Sum)
3.	015000	EMERGENCY EROSION AND SEDIMENT CONTROL	\$ 15,000 (Fixed Lump Sum)
4.	012000	UTILITY CONFLICT	\$ 61,000 (Fixed Lump Sum)
5.	024100, 028200, 028300, 028416, 311000	DEMOLITION AND SITE PREPARATION	\$ 36,000.00
6.	312200	GRADING	
7.	320100	OPERATION AND MAINTENANCE (30 CALENDAR DAYS)	\$ 46,000.00
8.	321200, 321540	FLEXIBLE PAVING	\$ 6,000.00
9.	321300, 323200	RIGID PAVING	\$ 50,000.00
10.	323113	CHAIN LINK FENCES AND GATES	\$ 20,000.00
11.	323119	DECORATIVE METAL FENCES AND GATES	\$ 30,000.00
12.	328400	PLANTING IRRIGATION	\$ 20,000.00
13.	329100, 329200, 329300	PLANTING PREPARATION AND PLANTS	\$ 45,000.00
14.	334000	STORM DRAINAGE UTILITIES	\$ 40,000.00
15.	160500-167250	ELECTRICAL (SITE WORK)	\$ 36,000.00
16.	101400, 129300, 224713	SITE FURNISHINGS	\$ 40,000.00
17.	116813, 321816	PLAY AREA EQUIPMENT AND SURFACING	\$ 45,000.00
18.	323200	RETAINING WALLS	\$ 250,000.00
		TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 18, INCLUSIVE) FOR THE LUMP SUM TOTAL OF: >>>>>>>>>>>>	\$ 60,000.00
A-1	129300	ADD ALT #1 - TRELLIS	
A-2	129300, 321540	ADD ALT #2 - BOCCO COURT	\$ 99,500.00
OTE TO BIDDERS:			\$ 28,000.00
The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.			

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be filed with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide the insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose that the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate as if the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount of the bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding process.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender, identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is a violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: NISICH PARK

Cheryl Ann Vigen
(print name)

, being first duly sworn, deposes and says that he/she is

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on

Star Construction, Inc.
Legal Company Name

City Business Lic. No.: _____

Expiration Date: _____

State Contractor Lic. No.: 748242

Classification: A

Expiration Date: 4/30/2010

Federal I. D. No.: 94-3351981

Address: 240 ALLEN ST
SAN Geronimo, CA 94066

Telephone: 510 7380485

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

By: _____

Cheryl Ann Vigen
Title: Treasurer

NOTARY

On Feb 24th 2010 before me, SHEETAL SEHGAL, Notary Public, personally appeared

Cheryl Ann Solomon-Vigen
(name and title of officer)

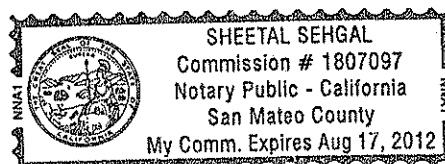
the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sheetal Sehgal
Notary Public

(Seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, STAR CONSTRUCTION, INC. as PRINCIPAL,
and MERCHANTS BONDING COMPANY, a corporation duly organized under the
laws of the State of IOWA and duly licensed to become sole surety on bonds
required or authorized by the State of California, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the
City of San Jose, for the work described below; for the payment of which sum in lawful money of
the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by these presents. In no case shall the liability of the
Surety hereunder exceed the sum of NOT TO EXCEED 10% OF THE BID AMOUNT DOLLARS (\$
10% OF BID).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for
certain construction specifically described as follows, for which bids are to be opened in the Office
of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA
95113, on February 25, 2010 for NISICH PARK


NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time
and manner required under the specifications, after the prescribed forms are presented to Principal
for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and
files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance
policies with the City, all as required by the specifications and the contract or by law, then the
obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety
and its bond shall be in no way impaired or affected by any extension of the time within which the
Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the
Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to
be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 24TH
day of FEBRUARY, 2010.

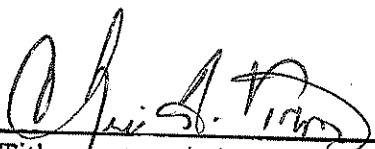
PRINCIPAL
STAR CONSTRUCTION, INC.



Legal Company Name


SURETY
MERCHANTS BONDING COMPANY

Legal Company Name

Indicate Type of Entity

By 
Title: Sec/Treas

By 
SANDRA RENEE BLACK
ATTORNEY-IN-FACT

By 
Title: Pres

By
Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Sacramento }

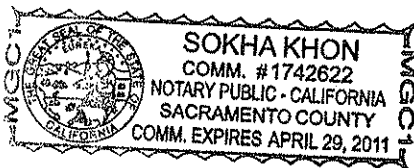
On 8/24/10
Date

before me, Sokha Khon, Notary Public

Here Insert Name and Title of the Officer

personally appeared Sandra Renee Black

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal

Signature

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:
MERCHANTS BONDING
COMPANY

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Merchants Bonding Company

(Mutual)

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Sharon Jean Rusconi, Sandra Renee Black

of Sacramento and State of California its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

TEN MILLION (\$10,000,000.00) DOLLARS

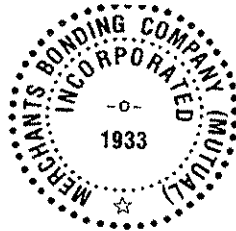
and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 2nd day of February, 2009.



MERCHANTS BONDING COMPANY (MUTUAL)

By

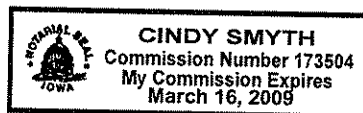
Larry Taylor

President

STATE OF IOWA
COUNTY OF POLK ss.

On this 2nd day of February, 2009, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



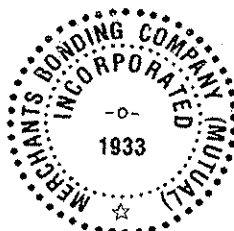
Cindy Smyth

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 24th day of February, 2010



William Warner Jr.

Secretary

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Bonifacio Cont.	San Jose	Installation of site & pay Equip.
St. Francis Electrical	Mariposa	Construction
Spotlighter Spectator	N/S	Paint Room
R. B. Oakes & Co.	Stockton	Asbestos, Demolition
San Jose		Electrical Demo.
Signal Electric Construction	San Jose (A.)	Site work electrical

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

① 2008-2009
GREENMAN FIELD City of Oakland \$2,200,000.00
Contract Mr. Gary Pilecki 510-238-7284
Contract Mr. Sandra Qualey 510-238-7213

② New Meadowview Park 2009 \$700,000.00
County of San Mateo
NOEL Manuel 650-599-1444

③ 2009
ADAMS Park \$1,200,000-
H.A.R.D.
Contract: Mr. Larry LePore 510-455-1261

④ NILES TOWN PLAZA - City of Fremont 2009-2010
TED GINETTE 510-494-4721 \$1,600,000-

STATEMENT OF BIDDER'S EXPERIENCE

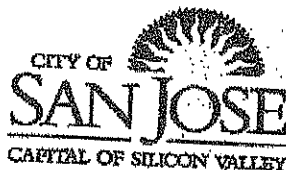
The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

[illegible]



Department of Public Works
CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

February 19, 2010

ADDENDUM NO. 1

FOR THE CONSTRUCTION OF THE
NISICH PARK IMPROVEMENT PROJECT

Notice is hereby given that the following revisions, additions, and/or deletions are hereby made a part of and incorporated into the plans and specifications for the *Nisich Park Improvement Project*:

GENERAL

BID DATE clarification. The Bid Date for this project is February 25, 2010

INSTRUCTIONS

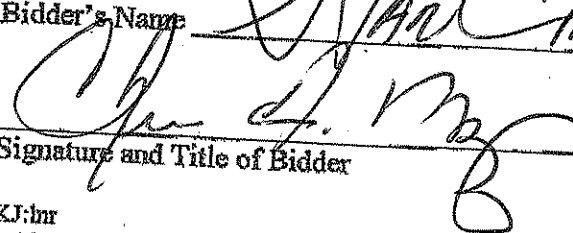
The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with bid documents shall not relieve the bidder of the obligation to include this addendum to the bid proposal.

APPROVED BY:


KATHERINE JENSEN

Division Manager
City Facilities Architectural Services Division
Department of Public Works

Bidder's Name: 


Signature and Title of Bidder

2/20/10
Date

KJ:hr
Addendum 1